

Message Text

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ORIGIN L-03

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DRAFTED BY L/UNA:AMSURENA:JU

APPROVED BY IO/UNESCO:ISLIPPE

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IO/UNP - CWSCHALLER(SUBS.)

IO/UNP - VHARTLEY(SUBS.)

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TO AMEMBASSY PARIS PRIORITY

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NESCO

E.O. 11652 N/A

TAGS: AORG,OCON, UNESCO

SUBJECT: GUIDANCE FOR 94TH EXBD SPECIAL COMMITTEE

MEETING, MARCH 25-APRIL 2; ITEM 5:CREDENTIALS

REF: PARIS A-856

1. DEPT RECOGNIZES POSSIBLE EMERGENCE OF THE DELICATE CREDENTIALS PROBLEM OUTLINED BY HAGUIWARA IN 94 EX/SP/INF. 1 ANNEX. DEPT IS HOPEFUL, HOWEVER, THAT U. S. REP WILL BE ABLE TO PREVENT UNESCO FROM UNDERTAKING SUBSTANTIVE CONSIDERATION OF THIS ISSUE. IN THIS REGARD, IT WOULD BE HELPFUL TO NOTE UNGA RESOLUTION 396(V) WHICH RECOMMENDS THAT THE ATTITUDE ADOPTED BY UNGA SHOULD BE TAKEN INTO ACCOUNT IN OTHER UN ORGANS AND THE SPECIALIZED AGENCIES.

2. IN RECENT YEARS, SEVERAL UN FAMILY BODIES HAVE EXPERIENCED CREDENTIALS CHALLENGES AND MEMBERSHIP CHALLENGES UNDER THE GUISE OF A CREDENTIALS QUESTION. THE APPROPRIATE
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BASIS FOR RESOLUTION OF THESE CONTROVERSIES HAS OFTEN

BEEN IN DISPUTE, SOME ARGUING THAT CREDENTIALS COMMITTEES ARE AUTHORIZED TO INVESTIGATE THE LEGITIMACY OF THE SENDING GOVERNMENT AND OTHERS (INCLUDING THE U. S.) ARGUING THAT THE APPLICABLE RULES ONLY PERMIT THE CREDENTIALS COMMITTEE TO RULE ON THE PROPRIETY AND AUTHENTICITY OF THE CREDENTIALS SENT. THUS FROM A PURIST POINT OF VIEW, A RE-EXAMINATION OF THE WHOLE QUESTION IS IN ORDER. HOWEVER,

IN THE PRESENT POLITICAL CONTEXT, IT IS UNLIKELY THAT ANY MEANINGFUL AND ACCEPTABLE (TO USG) REMODELING COULD BE AGREED UPON.

3. ON THE OTHER HAND, IT IS NOT CLEAR TO US THAT OTHER STATES WISH A FORMAL INQUIRY INTO THE MATTER. FOR EXAMPLE, WHILE SOME STATES WHO DISPUTE THE LEGITIMACY OF A PARTICULAR GOVERNMENT MIGHT WISH TO REDRAFT RULES OF PROCEDURE TO AUTHORIZE A CREDENTIALS COMMITTEE TO TAKE INTO ACCOUNT THE LEGITIMACY OF AN ISSUING GOVERNMENT, SUCH REVISION, IN THE LONG RUN, COULD WELL FACILITATE CHALLENGES TO THE LEGITIMACY OF THEIR OWN GOVERNMENTS. THUSEVEN THOSE STATES PROBABLY WOULD NOT RELISH A REDRAFTING OF THESE PROVISIONS. THEY NOW HAVE THE BEST OF BOTH WORLDS, FOR WHILE WE AND OTHERS CLAIM THE RULES DO NOT PROVIDE FOR SUCH CHALLENGES, THE PROPONENTS GENERALLY HAVE SUFFICIENT VOTES TO MAKE, AT LEAST, NOTE-WORTHY ATTEMPTS AT SUCH CHALLENGES.

4. WHILE THE UNGA IS CONFRONTED WITH THIS ISSUE VIRTUALLY EVERY YEAR, IT HAS NOT SOUGHT TO CLARIFY FORMALLY THE TERMS OF REFERENCE OF ITS CREDENTIALS COMMITTEE; NOR IS IT EXPECTED TO DO SO IN THE NEAR FUTURE. THIS IS UNDOUBTEDLY BECAUSE OF THE UNGA'S APPRECIATION OF THE DIFFICULTY OF REVISING THE PRESENT RULES.

5. IN ATTEMPTING TO AVOID SUBSTANTIVE DISCUSSION OF THIS ITEM, US REP SHOULD MAKE ABOVE POINTS TO UNESCO SECRETARIAT MEMBERS, IF APPROPRIATE, AS WELL AS TO COMMITTEE MEMBERS. HE SHOULD ALSO COUNSEL THAT WHILE UNGA HAS NOT ANNOUNCED THAT IT WILL FORMALLY CONSIDER ITEM, UNESCO SHOULD STILL FOLLOW UNGA GUIDANCE, I.E., LIMITED OFFICIAL USE

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SEEK TO OPERATE AS EFFECTIVELY AS POSSIBLE UNDER THE PRESENT RULES AND BE GUIDED BY UNGA PRACTICE. FYI: DEPT WOULD NOT REPEAT NOT BE IN FAVOR OF A UNESCO REQUEST THAT THIS ITEM BE CONSIDERED BY NEXT UNGA. UNGA INACTION ON RESOLVING THIS ITEM IS PROBABLE INDICATION THAT FROM POINT OF VIEW OF ALL PARTIES THE DEVIL WE DON'T KNOW IS WORSE THAN ONE WE DO. END FYI.

7. AS ULTIMATE FALLBACK, DEPT COULD CONCUR IN REFERENCE
OF ITEM TO CONFERENCE LEGAL COMMITTEE IF WE HAD
SUFFICIENTLY GOOD ASSURANCES THAT LEGAL COMMITTEE WOULD
NOT PROPOUND NEW PROVISIONS BUT WOULD DECIDE THAT UNESCO
FOLLOW UNGA GUIDANCE. KISSINGER

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